

AMENDED IN SENATE AUGUST 19, 2004

AMENDED IN SENATE JULY 14, 2004

AMENDED IN SENATE JUNE 29, 2004

AMENDED IN SENATE JUNE 14, 2004

AMENDED IN ASSEMBLY JANUARY 15, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1711

Introduced by Committee on Judiciary (Corbett (Chair), Harman (Vice Chair), Dutra, Hancock, Jackson, Laird, Longville, Montanez, Steinberg, and Vargas)

February 26, 2003

An act to amend Sections 6028, 6140.7, 17209, and 17536.5 of, *and to add Section 5466 to*, the Business and Professions Code, relating to legal proceedings.

LEGISLATIVE COUNSEL'S DIGEST

AB 1711, as amended, ~~Assembly~~ Committee on Judiciary. ~~Attorneys: false advertising~~ *Regulation of legal proceedings.*

(1) Existing law, the State Bar Act, ~~requires~~ *provides for* the licensing and regulation of attorneys by the State Bar of California; and ~~provides~~ for the determination of disciplinary and reinstatement proceedings by the State Bar Court. Existing law ~~also~~ requires a member who is suspended, disbarred, or resigns with disciplinary

charges pending to pay discipline costs as a condition of reinstatement of, or return to, active membership.

This bill would delete obsolete provisions.

(2) Existing law prohibits acts of unfair competition and acts of false and misleading advertising, and specifies the methods for service for any proceeding alleging a violation, including requiring the person who commenced the proceeding to file notice with the Attorney General *and district attorney*.

This bill would ~~revise those provisions to~~ instead require each person filing any ~~paper brief or petition~~ with the court in ~~the~~ those proceedings to serve a copy of that ~~paper brief or petition~~, and upon request, any other document, on the Attorney General *and district attorney*.

(3) Existing law, the Outdoor Advertising Act, provides for the regulation of advertising displays, as defined, and makes the violation of the act's provisions unlawful and a public nuisance.

This bill would prohibit a private party from bringing a cause of action against an advertising display in place as of August 12, 2004, that has been in continuous existence at its current location for 5 years. The exemption would not apply to an illegal modification of the display if the cause of action is filed within 5 years of the modification.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5466 is added to the Business and
- 2 Professions Code, to read:
- 3 5466. (a) Notwithstanding any other provision of law, as to
- 4 an advertising display in place as of August 12, 2004, a cause of
- 5 action for the erection or maintenance of an advertising display
- 6 that violates this chapter or the laws of a local governmental entity
- 7 shall not be brought by a private party against an advertising
- 8 display that has been in continuous existence in its current location
- 9 for a period of five years. However, if the advertising display has
- 10 been illegally modified, the cause of action for the illegal
- 11 modification may be brought by a private party if it is filed within
- 12 five years of the date the modification was made.
- 13 (b) This section shall not apply to a cause of action brought by
- 14 a governmental entity that is based on the erection or maintenance

1 *of an advertising display that violates this chapter or the laws of*
2 *the governmental entity.*

3 *SEC. 2.* Section 6028 of the Business and Professions Code is
4 amended to read:

5 6028. (a) The board may make appropriations and
6 disbursements from the funds of the State Bar to pay all necessary
7 expenses for effectuating the purposes of this chapter.

8 (b) Except as provided in subdivision (c), no member of the
9 board shall receive any other compensation than his or her
10 necessary expenses connected with the performance of his or her
11 duties as a member of the board.

12 (c) Public members of the board appointed pursuant to the
13 provisions of Section 6013.5 and public members of the
14 examining committee appointed pursuant to Section 6046.5 shall
15 receive, out of funds appropriated by the board for this purpose,
16 fifty dollars (\$50) per day for each day actually spent in the
17 discharge of official duties, but in no event shall this payment
18 exceed five hundred dollars (\$500) per month. In addition, these
19 public members shall receive, out of funds appropriated by the
20 board, necessary expenses connected with the performance of
21 their duties.

22 ~~SEC. 2.~~

23 *SEC. 3.* Section 6140.7 of the Business and Professions Code
24 is amended to read:

25 6140.7. Costs assessed against a member publicly reprovod or
26 suspended, where suspension is stayed and the member is not
27 actually suspended, shall be added to and become a part of the
28 membership fee of the member, for the next calendar year. Unless
29 time for payment of discipline costs is extended pursuant to
30 subdivision (c) of Section 6086.10, costs assessed against a
31 member who resigns with disciplinary charges pending or by a
32 member who is actually suspended or disbarred shall be paid as a
33 condition of reinstatement of or return to active membership.

34 ~~SEC. 3.~~

35 *SEC. 4.* Section 17209 of the Business and Professions Code
36 is amended to read:

37 17209. If a violation of this chapter is alleged or the
38 application or construction of this chapter is in issue in any
39 proceeding in the Supreme Court of California, a state court of
40 appeal, or the appellate division of a superior court, each person

1 filing any ~~paper~~ *brief or petition* with the court in that proceeding
2 shall serve; within three days of filing with the court, a copy of
3 that ~~paper, including all petitions and briefs,~~ *brief or petition* on
4 the Attorney General, directed to the attention of the Consumer
5 Law Section at a service address designated on the Attorney
6 General's official Web site for service of papers under this section
7 or, if no service address is designated, at the Attorney General's
8 office in San Francisco, California, and on the district attorney of
9 the county in which the lower court action or proceeding was
10 originally filed. *Upon the Attorney General's or district attorney's*
11 *request, each person who has filed any other document, including*
12 *all or a portion of the appellate record, with the court in addition*
13 *to a brief or petition shall provide a copy of that document without*
14 *charge to the Attorney General or the district attorney within five*
15 *days of the request.* The time for service may be extended by the
16 Chief Justice or presiding justice or judge for good cause shown.
17 No judgment or relief, temporary or permanent, shall be granted
18 *or opinion issued* until proof of service of ~~this notice~~ *the brief or*
19 *petition on the Attorney General and district attorney* is filed with
20 the court.

21 ~~SEC. 4.~~

22 *SEC. 5.* Section 17536.5 of the Business and Professions
23 Code is amended to read:

24 17536.5. If a violation of this chapter is alleged or the
25 application or construction of this chapter is in issue in any
26 proceeding in the Supreme Court of California, a state court of
27 appeal, or the appellate division of a superior court, each person
28 filing any ~~paper~~ *brief or petition* with the court in that proceeding
29 shall serve, within three days of filing with the court, a copy of that
30 ~~paper, including all petitions and briefs,~~ *brief or petition* on the
31 Attorney General, directed to the attention of the Consumer Law
32 Section at a service address designated on the Attorney General's
33 official Web site for service of papers under this section or, if no
34 service address is designated, at the Attorney General's office in
35 San Francisco, California, and on the district attorney of the
36 county in which the lower court action or proceeding was
37 originally filed. *Upon the Attorney General's or district attorney's*
38 *request, each person who has filed any other document, including*
39 *all or a portion of the appellate record, with the court in addition*
40 *to a brief or petition shall provide a copy of that document without*

1 *charge to the Attorney General or the district attorney within five*
2 *days of the request.* The time for service may be extended by the
3 Chief Justice or presiding justice or judge for good cause shown.
4 No judgment or relief, temporary or permanent, shall be granted
5 *or opinion issued* until proof of service of ~~this notice~~ *the petition*
6 *or brief on the Attorney General and district attorney* is filed with
7 the court.

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